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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

VERN ELMER,

Plaintiff,

v.

JP MORGAN CHASE BANK, NA; AND
NATIONAL DEFAULT SERVICING CORP.;
and Does I-X, and Roe Corporations I-X,
inclusive,

Defendants.

Case No. 2:22-cv-01584-RFB-EJY

**STIPULATION AND ORDER TO
EXTEND DISCOVERY AND
DISPOSITIVE MOTION DEADLINES**

(FIRST REQUEST)

Plaintiff Vern Elmer (“Elmer”) and Defendant JPMorgan Chase Bank, NA (“Chase”),
by and through their respective counsel of record, hereby stipulate as follows:

Counsel for the parties have agreed to a 60-day extension of time for completion of
discovery in this case. Counsel seeks additional time to complete discovery given the recent
serving of written discovery requests that require additional time to prepare complete responses

1 to. In addition, there is pending before this Court a fully briefed motion to dismiss, which if
 2 adjudicated, will likely impact the nature and scope of the requested discovery. Further, the
 3 parties may seek to set depositions upon completing the written discovery and will need
 4 additional time to arrange those efforts.

5
 6 **(a) Statement specifying the discovery completed:**

7 The parties have conducted the mandatory FRCP 26(f) conference, prepared and filed
 8 the parties' original proposed discovery plan and scheduling order (ECF No. 28), and
 9 Defendants have made and exchanged the FRCP 26(a) disclosures and documents. Written
 10 discovery has been propounded by Chase directed to Plaintiff, and Plaintiff has propounded
 11 written discovery on Chase, responses to which are due toward the end of the discovery period.
 12 Additionally, Chase has issued a subpoena to a third party, Nevada Legal Support Services and
 13 scheduled a Rule 30(b)(6) deposition thereof, which us set for June 2, 2023.

14
 15 **(b) Specific description of the discovery that remains to be completed:**

16 To the extent settlement negotiations are not successful, the parties will need additional
 17 time to finalize written discovery responses and take additional Rule 30(b)(6) depositions.
 18 Subpoenas to third-party witnesses for the production of documents and for their depositions
 19 may be necessary as well as additional disclosures.

20
 21 **(c) Reasons why the deadline was not satisfied, or the remaining discovery was not**
 22 **completed within the time limits set by the discovery plan:**

23
 24 The parties anticipated that the adjudication of the pending motion to dismiss would
 25 have a significant impact on the need for and the nature and scope of the issues to be finally
 26 adjudicated in this matter. Once it was clear that the adjudication of the motion to dismiss
 27 would not issue before the need to engage in discovery prior to the deadline, the parties have
 28 moved forward and have engaged in the discovery cited above. It has become evident that in

order to complete that discovery, the parties will require an additional 60 days to secure written responses and coordinate potential depositions based thereon.

(d) ~~A proposed~~ **New schedule for completing all remaining discovery:**

The parties propose a 60-day extension of the remaining discovery dates as follows:

- Current Discovery Deadline: Monday, June 12, 2023
- ~~Requested~~ **New Discovery Deadline: Friday, August 11, 2023**
- Current Dispositive Motion Deadline: Wednesday, July 12, 2023
- ~~Requested~~ **New Dispositive Motion Deadline: Monday, September 11, 2023**
- Current Joint Pretrial Order Deadline: Friday, August 11, 2023
- ~~Requested~~ **New Joint Pretrial Order Deadline: Tuesday, October 10,**

2023, unless a dispositive motion is filed, in which case thirty (30) days after the decision on the dispositive motion is entered or upon further order of the Court.

This is the parties' first request for an extension of these deadlines and is not made for purposes of delay.

SMITH LARSEN & WIXOM

NEVADA'S LAWYERS

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 Attorneys for Plaintiff
 Vern Elmer

Dated: May 22, 2023.

Dated: May 22, 2023.

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2
3 /s/ Krista J. Nielson

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9 Attorneys for Defendant
10 National Default Servicing
11 Corporation

12 Dated: May 22, 2023.

13 IT IS SO ORDERED:

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15 UNITED STATES MAGISTRATE JUDGE

16 Dated: May 22, 2023
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